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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/043,390	10/26/2001	Antonius A.M. Staring	US 010511	4612

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
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BRIARCLIFF MANOR, NY 10510

EXAMINER

TESLOVICH, TAMARA

ART UNIT PAPER NUMBER

2137

DATE MAILED: 11/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/043,390		STARING, ANTONIUS A.M.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Tamara Teslovich		2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 7/19/05.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

Claims 1-20 are pending.

### ***Response to Arguments***

Applicant's arguments filed July 19, 2005 have been fully considered but they are not persuasive.

In response to the Applicant's argument that Tsang et al. lacks the disclosure of "subjecting the content to a screening algorithm" as taught in the Applicant's independent claims 1, 10, and 13, the Examiner would like reference section C on page 388 of Tsang, particularly the following lines:

"First, the attacker modifies the watermarked image until the detector just responds that there is no watermark embedded, no matter how the resultant image is distorted. One possible modification is to reduce the contrast of the image, until the detector is not able to detect the watermark. The attacker then increases or decreases the luminance pixel by pixel, until the watermark appears to the detector again."

In addition to the abovementioned paragraph, the Examiner would like to call to the Applicant's attention the Applicant's own phrasing in the second full paragraph of page 8 of Applicant's remarks:

"To determine whether the content should be admitted to a secure domain, the screening algorithm screens the content for a watermark. If the watermark is *detected*, the content is rejected. If not, the content is admitted to the secure domain."

The Applicant has failed to explain how his “screening algorithm” is different from that utilized by the Tsang’s detector, which determines whether the content should be admitted to a secure domain by *screening* content for watermarks and rejecting content when a watermark is *detected*.

In response to the Applicant’s argument that Tsang fails to teach wherein the screening algorithm is the Secure Digital Music Initiative (SDMI) screening algorithm taught in Applicant’s claim 5, the Examiner would like to respectfully disagree.

First, the Examiner would like to point out that although Tsang’s proposed new image watermark attack is in fact included in the reference, the purpose of the reference is to “study different types of attacks to digital watermarks based on a generalized digital watermarking model which fits to many common digital watermarking techniques” (page 385). Throughout the paper, Tsang is careful to include examples of both watermarked audio signals as well as watermarked images (page 386 reference ‘Digital Watermarking Model’). As for Tsang’s specific mention of the SDMI watermarking technique in the fourth full paragraph of page 385, it was included as an example of a watermarking system that would specifically be targeted by digital watermark attacks such as those explained without the rest of his paper, including the “Watermark Estimation Through Detector Analysis” attack on page 388.

The Examiner would like to suggest that the Applicant read Tsang in its entirety in order to fully understand the conceptualizations disclosed therein that taken as a whole, fully disclose the Applicant’s invention.

Therefore, based on the above arguments, the Examiner maintains the rejections put forth in the prior Office Action.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamara Teslovich whose telephone number is (571) 272-4241. The examiner can normally be reached on Mon-Fri 8-4:30.

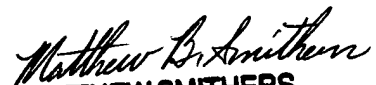
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2137

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



T. Teslovich  
October 31, 2005



MATTHEW SMITHERS  
PRIMARY EXAMINER  
Art Unit 2137